

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
SOUTHWESTERN DIVISION**

Thomas H. Bray	)	
	)	
Plaintiff,	)	<b>ORDER DENYING PLAINTIFF'S</b>
	)	<b>REQUEST FOR COURT-APPOINTED</b>
vs.	)	<b>COUNSEL</b>
	)	
MBNA America Bank, et. al.,	)	Case No. 1:08-cv-088
	)	
Defendants.	)	

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Plaintiff initiated the above-entitled action by complaint on October 22, 2008, pursuant to the Fair Debt Collection Practices Act. In his prayer for relief he requests, inter alia, court-appointed counsel on the grounds of indigency.

Indigent civil litigants do not have a constitutional or statutory right to appointed counsel. Davis v. Scott, 94 F.3d 444, 447 (8<sup>th</sup> Cir. 1996) (citing Swope v. Cameron, 73 F.3d 850, 851-52 (8<sup>th</sup> Cir. 1996)). A court may make such an appointment at its discretion, however. See Rayes v. Johnson, 969 F.2d 700, 703 (8<sup>th</sup> Cir. 1992); see also Davis v. Scott, 94 F.3d 444, 447 (8<sup>th</sup> Cir. 1996); Abdullah v. Gunter, 949 F.2d 1032, 1035 (8<sup>th</sup> Cir. 1991)

In determining whether an indigent litigant is in need of appointed counsel, a number of factors are relevant including: the factual complexity of the case, the ability of the indigent to investigate the facts, the existence of conflicting testimony, the ability of the indigent to present his claim and the complexity of the legal issues.” Abdullah v. Gunter, 949 F.2d 1032, 1035. In addition, the court should satisfy itself that the plaintiff has in good faith attempted to retain counsel and has been unsuccessful. Id.

The court has reviewed the record and, in its discretion, finds that the appointment of counsel is not warranted at this stage of the proceedings. The legal issues involved in this case do not appear to be too complex. Moreover, case law is available and Plaintiff's claims do not involve novel arguments or requests for extensions of current laws. Accordingly, his request for court-appointed counsel is **DENIED** without prejudice.

**IT IS SO ORDERED.**

Dated this 8th day of December, 2008.

/s/ Charles S. Miller, Jr.  
Charles S. Miller, Jr.  
United States Magistrate Judge